

Lisa Nix Green v. PACT Board, Montgomery County Circuit Court, CV-2010-900013

On March 16, 2012, the Alabama Supreme Court vacated the PACT settlement. The decision was based upon its interpretation that Ala. Code § 16-33C-19 would prohibit any modification of benefit levels.

Following release of the decision, the Legislature promptly passed Act 2012-198. That legislation repealed § 16-33C-19 and included a new provision to specifically authorize the PACT Board to enter into a resolution with PACT Contract holders.

The Alabama Supreme Court was then asked to reconsider its decision in light of Act 2012-198. By Order dated July 11, 2012, reconsideration was granted and the case was remanded to the trial court for a determination as to whether a retroactive application of Act 2012-198 would be constitutional. On September 17, 2012, the trial court upheld the constitutionality of Act 2012-198. The trial court's decision will now be reviewed by the Alabama Supreme Court. Final briefs were submitted by all parties on November 14, 2012.

If the settlement is upheld, PACT will pay all future invoices in compliance with the settlement terms. If the settlement is again rejected, the case will be remanded to the trial court for further litigation. In the interim, PACT will continue to pay invoices at full benefit levels.